

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the
County Mayor to request that the
Environmental Quality Control
Board grant certain residential
properties in Kendalwood
Neighborhood a two-year
extension of time to connect to
an approved public water main

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/smm



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(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)

10-5-16

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO REQUEST THAT THE
ENVIRONMENTAL QUALITY CONTROL BOARD GRANT
CERTAIN RESIDENTIAL PROPERTIES IN KENDALWOOD
NEIGHBORHOOD A TWO-YEAR EXTENSION OF TIME TO
CONNECT TO AN APPROVED PUBLIC WATER MAIN

WHEREAS, section 24-43.2(10) of the Code of Miami-Dade County requires that within 90 days of the determination that an approved public water main is available and operative in a public right of way or easement abutting a property, the property must connect to such public water main; and

WHEREAS, pursuant to section 24-8(5)(c) of the Code of Miami-Dade County, the Environmental Quality Control Board (EQCB) has the authority to grant variances and extensions of time from certain Code requirements of chapter 24 of the Code including the granting of additional time for a property to connect to an available and operative public water main when the granting of such additional time is of benefit to the community; and

WHEREAS, the County Mayor or County Mayor's designee has the authority to request from the EQCB extensions of time on behalf of a class of property owners and has exercised this authority in the past; and

WHEREAS, the Florida Department of Health documented several contaminated private potable wells in the area of the County hereinafter referred to as Kendalwood Neighborhood, which area is bounded by S.W. 116 Street to the North, S.W. 120 Street to the South, 84 Avenue to the West and the South Miami-Dade Busway to the East; and

WHEREAS, pursuant to Resolution No. R-312-16, the Miami-Dade Water and Sewer Department is planning to install 7,000 linear feet of 8-inch water pipelines and 750 feet of 16-inch water pipelines (the "Infrastructure") in the Kendalwood Neighborhood in order to provide a source of non-contaminated potable water to the residents of that area; and

WHEREAS, not all private potable wells in the Kendalwood Neighborhood exhibit contamination; and

WHEREAS, this Board finds that given the current economic conditions of the residential and commercial markets, the 90 day limitation poses an economic hardship and warrants a reasonable extension of time for those properties without contaminated private potable wells; and

WHEREAS, the Board desires that the County Mayor or County Mayor's designee request that the EQCB grant a two-year extension of time for residents without contaminated potable wells to connect to the new Infrastructure from the time that they are notified, per section 24-43.2(10) of the Code of Miami-Dade County, that an approved public water main has become available and operative in the public right of way or easement abutting the residential properties; and

WHEREAS, a list of residential properties in and near the Kendalwood Neighborhood that would qualify for the two-year extension of time is attached hereto as Exhibit A,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or County Mayor's designee is directed to request the EQCB to grant all existing residential properties identified on Exhibit A, a two-year extension of time to connect to the public water main from the time that they have been notified, per section 24-43.2(10) of the Code of Miami-

Dade County, that the public water main has becomes available and operative in the public right of way or easement abutting said residential properties, on the condition that the private potable well serving the residential property shall be sampled annually for bacteria, arsenic, nitrates and organochlorine pesticides at the expense of the property owner, and if during the additional time any private potable well is found to be contaminated, the residential property shall be required to connect to the available public water main within 90 days of a sample that shows contamination in the private potable well exceeds water quality standards.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis

Exhibit A

Address

11555 SW 82nd Road
11601 SW 82nd Road
11605 SW 84th Avenue
11645 SW 82nd Road
11700 SW 83rd Court
11705 SW 82nd Road
11705 SW 84th Avenue
11730 SW 83rd Court
11760 SW 83rd Court
11800 SW 83rd Court
11805 SW 84th Avenue
11815 SW 82nd Road
11825 SW 82nd Road

11830 SW 83rd Court
11845 SW 82nd Road
11900 SW 83rd Court
11915 SW 82nd Road
11920 SW 83rd Court
8200 SW 116th Street
8205 SW 116th Street
8205 SW 116th Terrace
8225 SW 116th Terrace
8230 SW 116th Terrace
8245 SW 116th Terrace
8245 SW 117th Terrace
8245 SW 118th Terrace
8250 SW 116th Street
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